SPECIAL HEARING
2/3/05
cc: BD, DI, DWQ
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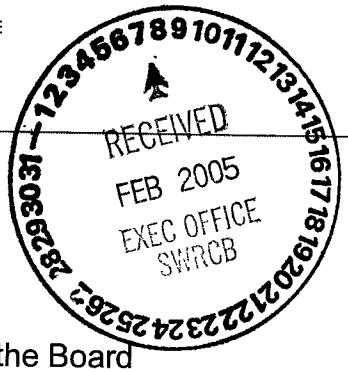
MANAGER, ENVIRONMENTAL COMPLIANCE
PACIFIC AREA

UNITED STATES
POSTAL SERVICE



February 2, 2005

Ms. Debbie Irvin, Clerk to the Board
State Water Resources Control Board
1001 I Street, 24th Floor
P.O. Box 100
Sacramento, California 95812-0100

Subject: Comments on the 2004 Draft Permit Reissuance of the National Pollutant Discharge Elimination System General Permit for Discharges of Storm Water Associated with Industrial Activities (Industrial General Permit)

Dear Ms. Irvin:

The United States Postal Service (USPS) operates 31 vehicle maintenance facilities and four vehicle fueling sites in California subject to the General Permit. The USPS has an aggressive storm water pollution prevention program that has been in place since 1992. The USPS appreciates the opportunity to provide input into the process for improving storm water quality in California. Accordingly, the following comments to the Reissuance of the National Pollutant Discharge Elimination System General Permit for Discharges of Storm Water Associated with Industrial Activities (Industrial General Permit) - (2004 Draft Permit) are provided:

1. Section VIII.3.e. requires "*Prior to completing each monthly visual observation required in Subsection 4.a, dischargers shall record any storm events that occurred during operating hours that did not produce a discharge.*"

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USPS requests that the SWRCB strike the requirement to record storm events that do not produce a discharge since rainfall data is collected and made available through a variety of sources such as the California Data Exchange Center (http://cdec.water.ca.gov/). Requiring employees to record on a daily basis storm events that do not produce a discharge places an undue additional burden on scarce resources, particularly onerous for small businesses. The USPS assumes that the SWRCB added the recording requirement to heighten permittee awareness and to certify that dischargers sampled the first two eligible storm events. The USPS advocates that the recording requirement can be replaced by dischargers certifying in the Annual Report that samples were collected during the first two eligible storm events of the year.

2. One Time Comprehensive Pollutant Scan (Section VIII.6., Page 20) requires dischargers to analyze at least one sample collected from the first storm event during the 2008-2009 compliance year for Chemical Oxygen Demand, Copper, Zinc, Lead, Aluminum, Iron, Magnesium, Arsenic, Cadmium, Nickel, Mercury, Selenium, Silver, and semi volatile organics and to submit the analytical results with their Annual Report. The Fact Sheet states that "The SWRCB acknowledges that a scientific study, which is based on statewide facilities from a variety of industries, may produce more reliable data in a more cost-effective manner. Therefore, this General Permit allows for modification of the requirement for a monitoring scan of metals, COD, and SVOCs in the event that dischargers propose an alternative, representative statewide monitoring program."

   USPS requests further clarification on the number of samples required to be analyzed for the pollutant scan. It is unclear whether the number of samples analyzed according to Section VIII.4. should also be the number analyzed for the pollutant scan. For example, Facility X has five drainage areas associated with industrial activity. Facility X collects one sample from each drainage area and analyzes a total of five samples for the

parameters listed in Section VIII.4.c. Does Facility X need to analyze all 5 samples for the pollutant scan, or may the facility analyze one of the five samples collected at the facility for the pollutant scan?

USPS also assumes that the reference to Section VIII.5.c. in Section VIII.6.a is a typo and should be Section VIII.4.c. Similarly, USPS assumes that references to 7.a and 7.b. in Sections VIII.6.a and VIII 6.b. should be 6.a. and 6.b. respectively.

USPS objects to the Permit requiring dischargers to perform the pollutant scan since it requires dischargers to perform unscientifically based "research" in support of potential effluent limitations. The scientific validity of using the pollutant scan results for promulgating statewide policy is called into question given the variability inherent in sampling performed by multiple dischargers with varying degree of competence and sampling conditions. USPS advocates that effluent limits should be based upon research with scientifically valid methods conducted by a state agency on a statewide basis.

3. As part of the corrective actions that must be implemented if a benchmark value is exceeded, a certification must be submitted to the RWQCB (Section V.7., Page 6). USPS requests clarification in Section V.7.c.iii. that one of the certifications that may be received are that "There are no sources of the pollutants at the facility." USPS requests clarification that the language be revised to state that "There are no industrial sources of pollutants at the facility". This revised language would allow for conditions in which pollutants in the storm water samples are due to natural sources or non-industrial activity such as an employee vehicle parking lot.

4. In the draft Permit, US EPA Multi-sector Benchmark Values are given increased importance and used as triggers for increased monitoring and BMP review and improvement actions. Because of the emphasis and the

potential cost to the citizens of California for complying with these benchmarks, USPS requests that the State review the benchmark values and develop guidance for their appropriate use including adjustments for receiving water hardness and salinity, corrections for dissolved versus total fractions as well as supporting data for new benchmarks proposed in the draft Permit for TOC and Specific Conductance.

5. The 2004 proposed general permit requires additional sample collection if analytical results exceed benchmark values (Section VIII.4.f., Page 19). The Fact Sheet states that "*benchmarks are derived from USEPA's multi-sector permit. USEPA allows dischargers to discontinue sampling if the discharges are below the benchmarks, and instructs dischargers to "consider" inclusion of improved BMPs if the discharges are "considerably above" the benchmark levels. In this General Permit, there is no reduction in sampling based on benchmark levels, and, if the discharges are above one or more of the benchmarks, the discharger must revise its SWPPP to improve BMPs and must sample the next two consecutive qualified storm events.*"

   The Fact Sheet also states that *"those in favor of requiring only visual observations argue that sampling and analysis is unnecessary because (1) this General Permit does not include numeric effluent limitations so the usefulness of sampling and analysis data is limited, (2) a significant majority of dischargers should be able to develop appropriate BMPs without sampling and analysis data, (3) most pollutant sources and pollutants can be detected and mitigated through visual observations, (4) the costs associated with quantitative sampling and analysis are excessive and disproportional to any benefits, (5) the USEPA storm water regulations do not require sampling, (6) the USEPA's nationwide permit relies heavily on visual observations and only requires a limited number of specific industries to conduct sampling and analysis, and (7) the majority of dischargers are small businesses and do not have sufficient training or*

understanding to perform accurate sampling and analysis."

The SWRCB states in the Fact Sheet that the "*benchmarks are not numeric storm water effluent limits, are not related or necessarily protective of any specific receiving water, and exceedances of these benchmarks are not automatically considered permit violations. Similar to the USEPA multi-sector permit, when sample results exceed one or more of the benchmarks, dischargers are required to re-evaluate the effectiveness of their BMPs and develop, when appropriate, additional BMPs.*" However, by requiring additional sampling (and imposing significant additional costs) for benchmark exceedances, the SWRCB has effectively given benchmark values the equivalent weight of numeric storm water effluent limits. As stated by the SWRCB, the benchmarks are not necessarily protective of any specific receiving water and therefore, it remains unclear whether exceeding benchmarks, especially minor exceedances, would constitute any potential impact or impairment to a water body. As the SWRCB points out, results from grab samples of stormwater are qualitative. Comparing this qualitative data to specific benchmarks and using the comparison as the basis for costly control and monitoring actions ascribes more certainty to the results than is warranted. In addition, the SWRCB stated that it "*believes that a significant majority of dischargers should be able to develop appropriate BMPs without costly quantitative sampling and analysis"* and that "*the SWRCB considers the difficulty and costs associated with developing quantitative sampling and analysis programs at all 9,500 facilities currently permitted to outweigh the limited benefits. The problems of requiring quantitative monitoring lie mainly with the costs and difficulty of accurately sampling storm water discharges."* Therefore, any potential benefit of added sampling would not outweigh the significant added sampling costs. It is possible that costs could be excessive if a facility would need to sample every eligible storm event for minor exceedances, especially if they are due to non-industrial activities. Scarce organizational resources

could be better used for improving BMPs rather than for increased sampling costs.

6. *Attachment 5 No Exposure Certification (NEC) Form and Instructions, Part B. Guidance 4. Industrial Materials/ Activities That Do Not Require a Storm-Resistant Shelter B.ASTs.*

   The NEC Guidance states "*Above Ground Storage Tanks (ASTs). In addition to generally being considered not exposed, ASTs may also be exempt from the prohibition against adding or withdrawing material to / from external containers. ASTs typically use transfer valves to dispense materials which support facility operations (e.g., heating oil, propane, butane, chemical feedstock) or fuel for delivery vehicles (gasoline, diesel, compressed natural gas). For operational ASTs to qualify for no exposure:*

   > *i. They shall be physically separated from and not associated with vehicle maintenance operations.*
   >
   > *ii. There shall be no leaks from piping, pumps, or other equipment that could contact storm water.*
   >
   > *iii. Wherever feasible, ASTs shall be surrounded by some type of physical containment (e.g., an impervious dike, berm or concrete retaining structure) to prevent runoff in the event of a structural failure or leaking transfer valve. Note: any resulting unpermitted discharge would violate the CWA."*

   Question 10 of the NEC Instructions also states

   > "***Q10. Can secondary containment around an outside exposure area qualify for the no exposure exclusion?***
   >
   > ***A.*** *In general, if the secondary containment is adequately engineered to prevent any failure, leakage, or overflow such that there would simply be no discharge from that area of the facility, no exposure could be claimed. Note: there must be proper disposal of any water or liquids collected from the containment (e.g., discharged in compliance with another NP DES permit, treated, or trucked offsite)."*

   The Guidance states that uncovered ASTs that are associated with vehicle maintenance facility operations do not qualify for a no exposure

status even if the AST is surrounded by secondary containment. USPS requests that the SWRCB clarify that uncovered ASTs associated with vehicle maintenance facility operations that are surrounded by secondary containment from which storm water does not discharge to the storm drain system are not considered exposed (see SWRCB answer to Question 10 of NEC instructions quoted above).

7. *Attachment 5 No Exposure Certification (NEC) Form and Instructions, Part B. Guidance 4. Industrial Materials/ Activities That Do Not Require a Storm-Resistant Shelter d. Adequately maintained vehicles.*

   The guidance states "*However, vehicles that have been washed or rinsed that are not completely dry prior to outside exposure will cause a condition of exposure.*"

   USPS asserts that a washed and rinsed but still wet vehicle would not pose a pollutant risk if any water that dripped off the vehicle is clean rinse water, if any water that dripped off does not discharge to the storm drain system, or if the vehicle does not track dirty wash water out of a wash bay. USPS requests that clean rinsed but still wet vehicles not be considered an exposure.

If you have any questions regarding this matter, please do not hesitate to contact me at (415) 405-4886.

Sincerely,

Patrick Langsjoen

Patrick Langsjoen
Manager, Environmental Compliance (A)
Pacific Area